

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

GEORGIA SOUTHWESTERN )  
RAILROAD, INC., a Corporation, )  
vs. )  
AMERICUS C. MITCHELL, JR., ) CASE NO. 2:06cv3-B  
an Individual, )  
Defendant. )

**AMENDED ANSWER**

NOWCOMES **AMERICUS C. MITCHELL, JR.**, the defendant herein, by and through his attorneys, and amends his answer pursuant to FRCP 15(a) as follows:

1. That the Georgia Southwestern Railroad, Inc. is not the real party in interest to prosecute this action as required by Rule 17(a) of the *Federal Rules of Civil Procedure*.

  
DAVID E. ALLRED  
D. CRAIG ALLRED  
Attorneys for Above-Named Defendant

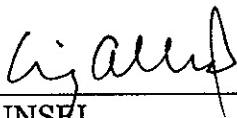
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this 13<sup>th</sup> day of September, 2006 filed the foregoing *Amended Answer* with the Clerk of the Court for the United States District Court for the Middle District of Alabama, Northern Division, using the CM/ECF system, which will send notification of such filing to:

Adrian D. Johnson, Esq.  
PARNELL & CRUM, P.A.  
Post Office Box 2189  
Montgomery, Alabama 36102-2189

  
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OF COUNSEL